

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments is courteously solicited.

The Examiner in his office action dated August 13, 2003 indicated the subject matter of dependent claim 9 allowable. Dependent claim 9 has been rewritten as independent claim 1. Accordingly, claim 1 as amended and the claims which depend therefrom are now in condition for allowance.

Dependent claims 8 and 9 have been canceled. New dependent claim 11 has been added. It is submitted that dependent claims 4 and 11 contain patentable merit in their own right. With respect to dependent claim 4 the '626 patent teaches a potential of between 0.7 V and 0.9 V verses a mercury/mercury sulfate reference electrode. This potential range is equivalent to about 1.1 V to 1.3 V verses silver/silver chloride reference electrode. Thus, the potential taught by the '626 patent is out of the range of the potential claimed in dependent claim 4. With respect to dependent claim 11, the use of a single component mineral acid provides for easy recovery and recycling of the spent electrode which is an improvement over the teachings of the '626 patent.

Applicants present herewith new independent claims 12 and 13. Independent claim 12 is a combination of previously submitted independent claims 1 and 4. It is submitted that independent claim 12 is patentable over the prior art for the reasons set forth above with respect to the discussion of dependent claim 4. Independent claim 13 is a combination of previously submitted independent claim 1 and new dependent claim 11. It is submitted that independent claim 13 is patentable over the prior art for the same reasons set forth above with regard to new dependent claim 11.

In light of the foregoing, it is submitted that all of the claims as presently pending

patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

Mark Jaworowski et al.

By

Gregory P. LaPointe
Attorney for Applicants
Reg. No. 28,395
Tel: (203) 777-6628
Fax: (203) 865-0297

Date: October 28, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on October 28, 2003.


Rachel Piscitelli